



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
P.O. Box 1107
GREENVILLE, MAINE 04441

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

**AMENDMENT A TO DEVELOPMENT PERMIT DP 4760
RECREATIONAL LODGING FACILITY**

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Darren Savage dba as Bull Dog Camps for Amendment A to Development Permit DP 4760, finds the following facts:

1. Applicant: Darren Savage dba Bull Dog Camps
PO Box 152
Jackman, Maine 04945
2. Date of Completed Application: February 3, 2016
3. Location of Proposal: West Forks, Somerset County
Plan 09, Lot 3
4. Zoning: (D-GN) General Development Subdistrict
(M-GN) General Development Subdistrict
(P-GP) Great Pond Protection Subdistrict
(P-SL2) Shoreland Protection Subdistrict
(P-WL1) Wetland Protection Subdistrict
5. Lot Size: 16.49 acres (Owned)
6. Existing Principal Buildings (Footprints / Floor Area):
Three Cabins (20 ft. by 30 ft.; 1,800 sq. ft. floor area)
One Cabin (22 ft. by 30 ft.; 660 sq. ft. floor area)
One Cabin (20 ft. by 25 ft.; 500 sq. ft. of floor area)
One Cabin (22 ft. by 32 ft.; 704 sq. ft. of floor area)
One Cabin (16 ft. by 20 ft. plus 8 ft. by 14 ft. loft; 432 sq. ft. of floor area)
One Cabin (18 ft. by 26 ft. plus 8 ft. by 18 ft. loft; 612 sq. ft. of floor area)
7. Proposed Principal Building (Footprint / Floor Area):
One Lodge (48 ft. by 50 ft. plus 48 ft by 26 ft. 2nd flr.; 3,648 sq. ft. of floor area)
8. Accessory Structures:
One Boat Supply Shed (8 ft. by 10 ft.)
One Wood Shed (10 ft. by 16 ft.)
One Shed (10 ft. by 12 ft.)
One Shed (16 ft. by 20 ft.)
One Wood Shed
One Generator Shed
One Chicken Coop

9. Sewage Disposal:

Existing Combined Subsurface Disposal System for Cabins
Proposed Combined Sewage Disposal System for Proposed Lodge

Background

10. Prior to 1971, the 8.49 acre developed portion of this site was developed with a commercial sporting camp, which included a lodge, six guest cabins and several accessory structures.
11. From December 1973 through September 1996, the Commission approved Building Permit 1049 with amendments A through D, for various construction and reconstruction activities at the commercial sporting camp known as Bull Dog Camps, owned by Vladimir Vladimiroff. Those projects included reconstruction of a lodge that was destroyed by fire, construction of a laundry building, construction of new cabins, reconstruction of two cabins, construction of a shed to store boats and supplies, and installation of a new septic system for the lodge and laundry facility and another septic system for the cabins. It appears that the lodge was downsized and reconstructed as a cabin and a lodge was never constructed.
12. Development Permit DP 4760 was approved by the Commission's staff on January 5, 2006, to the new owner of Bull Dog Camps, Darren Savage. That permit approved the construction of a 30' by 60' lodge with a combined subsurface sewage disposal system. The lodge would be located greater than: 150 feet from Enchanted Pond, 100 feet from the streams that cross through the site, 75 feet from the nearest road and 25 feet from the nearest property line. The proposed height of the Lodge would not exceed 30 feet.
13. The lodge and combined subsurface sewage disposal system were never constructed.

Proposal

14. The applicant proposes to construct a Lodge (48 ft. by 50 ft.) served by a proposed combined subsurface sewage disposal system. The Lodge and septic system would be constructed greater than: 150 feet from Enchanted Pond, 100 feet from the streams, 75 feet from the nearest road and 25 feet from the property lines. The proposed Lodge is located within the limits of clearing created for the pre-1971 commercial sporting camp that exists at this site. That limit of clearing is approximately 70,500 square feet. The applicant does not propose any additional vegetative clearing. The total square footage of floor area for all existing and proposed principal building is approximately 8,836 square feet. The proposed Lodge would replace the former Lodge, which was destroyed by fire prior to 1973.
15. The proposed Lodge and commercial sporting camp facility, known as "Bull Dog Camps" has an onsite attendant and offers dining, retail, gasoline fuel sales and recreation activities, features and services to overnight guests; and dining, retail, and gasoline fuel sales to the general public recreating and traveling through the area on ATV's, Snowmobiles and other similar recreational vehicles. The recreational activities provided are typical to those expected at a commercial sporting camp, such as hunting, fishing, motor boating, canoeing, kayaking, hiking, snowmobiling and ATV riding. The proposed Lodge would not add additional rooms for guests visiting the site, but would include an owners apartment. The maximum number of overnight guests and staff that would stay at Bull Dog Camps is approximately 40.
16. The applicant requests the Commission to categorize the facility as a Level C – Expanded Access Recreational Lodging Facility.

Review Criteria

17. Under the provisions of Section 10.02 #168 of the Commission's Land Use Districts and Standards, **Recreational Lodging Facilities** are defined as: Site improvements, a building or group of buildings, or any part thereof, used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes. Recreational lodging facilities primarily cater to recreational users who engage in recreation activities that are primarily natural resource-

based. The term includes, but is not limited to, commercial sporting camps, youth or group camps, back-country huts, rental cabins, outpost cabins, campgrounds, lodges, hotels, motels, inns, or any combination of these types of uses that exhibit characteristics of a unified approach, method or effect such as unified ownership, management or supervision, or common financing. To be included in a recreational lodging facility, rental units must be served by an on-site attendant while guests are present. Related development that is located more than one half mile, measured in a straight line, from the nearest structure providing guest services, such as dining, gathering places, retail shower house, dumping station, check-in office, and equipment rental shall be considered a separate facility, unless the owner chooses to consider them as one facility. Caretaker or attendant housing will not be used to establish the one half mile distance unless no other guest services are provided. If no guest services are provided then all development on the regulatory parcel shall be considered part of the same facility and may be part of a facility on an adjoining parcel. For the purposes of Land Use Planning Commission rules, recreational lodging facilities are divided into five levels: [Levels A through E] ...

Level C Facilities with Expanded Access have some impacts on existing resources within the development site and surrounding areas. Level C Expanded Access Facilities are specifically designated by Section 10.27,Q,1.

23. Under provisions of Section 10.27,Q of the Commission's Land Use Districts and Standards, All new recreational lodging facilities or substantial improvements to existing recreational lodging facilities, must be developed in conformance with the standards of this section or in accordance with other applicable provisions of this Chapter. If the requirements in the standards below are at variance with the requirements of any other provisions of this Chapter, or other lawfully adopted rules, regulations, standards, or ordinances, the more protective of existing natural, recreational and historic resources shall apply.
24. Under provisions of 10.27,Q,1, Recreational Lodging Categories of the Commission's Land Use Districts and Standards, facilities in existence prior to July 1, 2013 may be categorized without regard to footprint of clearing.
25. Under provisions of 10.27,Q,1, Tables A and B, of the Commission's Land Use Districts and Standards, Recreational Lodging Facilities Level C Expanded Access Facilities may contain the following:
 - On-site recreation activities, features, and/or services that produce low noise and odor and are mostly screened (as defined at 10.02,167);
 - Public utilities and indoor plumbing;
 - Up to 12,000 sq. ft. of principal buildings;
 - Up to 54,000 sq. ft. of clearing within 250 of certain waters;
 - Up to 200 sq. ft. of retail or not more than 10% of floor area of principal buildings, whichever is larger;
 - Dining; fuel sales; and recreation activities, features, and services which are available to guests and the general public; and
 - Overnight occupancy for up to 300 persons.
26. Under provisions of Section 10.21,C,3,c,(16)(c) of the Commission's Land Use Districts and Standards Recreational Lodging Facilities Level C – Expanded Access may be allowed in a (D-GN) General Development Subdistrict upon issuance of a permit from the Commission.
24. Under provisions of Section 10.26,D,1&2 of the Commission's Land Use Districts and Standards, all those structures within the recreational lodging facility constructed solely for the housing of guests must be set back a minimum of at least 100 feet from the normal high water mark of a body of standing water 10 acres or greater, at least 50 feet from the traveled portion of all roadways and at least 15 feet from side and rear property lines. All other structures within the recreational lodging facility must be set back a minimum of at

least 150 feet from the normal high water mark of a body of standing water 10 acres or greater, at least 75 feet from the traveled portion of all roadways and at least 25 feet from side and rear property lines, except as provided in Sections 10.26,G and 10.26,Q.

25. Under provisions of Section 10.26,F,2 of the Commission's Land Use Districts and Standards, structures within 500 feet of the normal high water mark of a body of standing water 10 acres or greater shall be no higher than 30 feet.
26. The facts are otherwise as represented in the application for Amendment A to Development Permit DP 4760, and supporting documents.

Analysis and Discussion

27. The total gross floor area of principle buildings, as estimated by the applicant, would be less than 12,000 square feet after completion of the proposed construction. The proposed Lodge is a part of an existing pre-1971 operating commercial sporting camp facility known as Bull Dog Camps. It is located on Enchanted Pond, by definition a Great Pond. The location of the proposed Lodge is within the limits of existing clearing for the commercial sporting camp and would not require any additional clearing. The proposed structure would meet all the Commission's setbacks listed in Dimensional Standards and the proposed height would not exceed 30 feet. The location of the proposed Lodge would be behind the existing cabins approximately 300 feet from the shoreline of Enchanted Pond. Based on a review of current aerial photo maps on ARC GIS and Google Earth, the limits of clearing along the shoreline and scattered mature trees within the maintained grounds of the facility would appear to provide reasonable visual screening from the lake, as viewed directly off shore; and considerable screening as viewed from angles that are not directly offshore. The limits of existing clearing exceed the limits of Section 10.27,Q, Table A, but they have been in existence prior to July 1, 2013, so the Commission may categorize the facility without regard to the footprint of clearing. In this case, the shape of the cleared area and the location of the structures appear to be screened from view from most angles on the lake and the direct view appears to have mature trees scattered in such a manner as to provide limited visual screening to a traditional commercial sporting camp facility. Lodging will generate low noise and provide overnight accommodations to approximately 40 guests and staff, which is less than the 300 allowed (Section 10.27,Q, Table A). This Level C-Expanded Access Recreational Lodging Facility is allowed upon issuance of a permit in the D-GN Subdistrict (Section 10.21,C,3,c,(16)(c)).

Based upon the above Findings, the staff concludes that:

1. The proposal will meet the definition of a recreational lodging facility under the provisions of Section 10.02 of the Commission's Standards because the site and facility will:
 - a) be used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes;
 - b) primarily cater to recreational users who engage in recreation activities that are primarily natural resource-based;
 - c) be served by an on-site attendant while guests are present; and
 - d) include or be similar to commercial sporting camps, youth or group camps, back-country huts, rental cabins, outpost cabins, campgrounds, lodges, hotels, motels, inns, or any combination of these types of uses that exhibit characteristics of a unified approach, method or effect such as unified ownership, management or supervision, or common financing.

2. In accordance with the provisions of Section 10.27,Q,1, Table A, of the Commission's Standards, the site, including existing and proposed development constitutes a Level C- Expanded Access Recreational Lodging Facility. Specifically, the continued use of the pre-1971 commercial sporting camp facility with the addition of the proposed Lodge, as a recreational lodging facility meets all applicable standards for construction and is consistent with Table A Facility Level Determination, factors for a Level C-Expanded Access Facility. The total floor area for all principal buildings upon completion is approximately 8,836 square feet, which is less than the maximum 12,000 square feet allowed for a Level C-Expanded Access Facility. The recreational activities would be lodging and associated recreational activities within a commercial sporting camp. The total overnight occupancy would be less than the 300 maximum allowed in a Level C-Expanded Access Facility.
3. Based on the facts as presented and Chapter 10 Sections 10.11 and 10.26 of the Commission's Land Use Districts and Standards the current facility and proposal meets dimensional requirements.
4. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.


Therefore, the staff approves the application of Darren Savage for Bull Dog Camps with the following conditions:

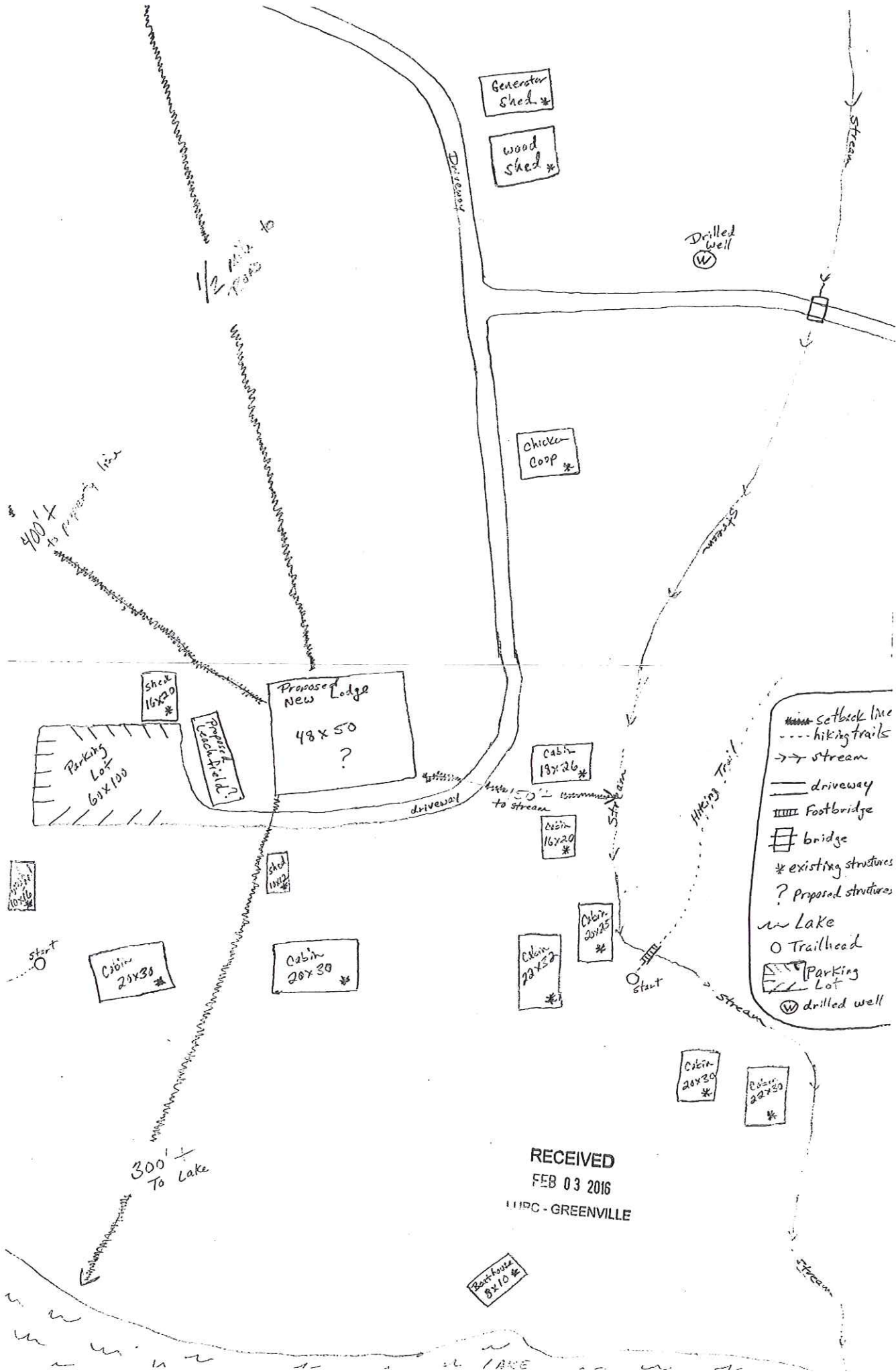
1. Notwithstanding the overnight occupancy limit stated in Section 10.27,Q,1, Table A, of the Commission's Standards, the overnight occupancy limit of this facility shall be no more than 40 persons until such time as the applicant requests an increase and supplies supporting information that such a change will meet the criteria for the subdistrict designation in effect at the time. The Commission incorporates this condition not because it finds that an overnight occupancy capacity of greater than 40 would not satisfy the Commission's Standards, but rather because the Commission has not considered the potential impact of overnight occupancy greater than 40.
2. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
3. The proposed Lodge must be setback at least 150 feet from Enchanted Pond, at least 100 feet from the streams, at least 25 feet from the property lines and at least 75 feet from the nearest road.
4. The proposed structures shall not exceed 30 feet in height.
5. Construction debris must not be disposed of in a wetland. All construction debris must be disposed in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
6. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.

7. Construction with heavy equipment shall occur during the time of year when roads and soils are reasonably stable and not saturated.
8. Once construction is complete, the permittee shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
9. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
10. Exterior finishes of all structures shall be non-reflective and natural colors to blend with the natural surroundings and minimize any adverse visual impacts. The permittee may plant native vegetation to help visually screen the facility from the adjacent water body and surrounding lands.
11. The permittee shall secure and comply with all applicable licenses, permits, authorizations, and requirements of all federal, state, and local agencies including but not limited to: Subsurface Wastewater Disposal System approval from the Local Plumbing Inspector and/or Maine Department of Health and Human Services, Subsurface Wastewater Program; and the Maine Department of Transportation.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT GREENVILLE, MAINE, THIS 8th DAY OF APRIL, 2016.

for:  Nicholas D. Livesay, Executive Director



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